

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLORIA D. WISEMAN,

PLAINTIFF,

v.

ING GROEP, N.V., VOYA FINANCIAL, INC.,
AND RELIASTAR LIFE INSURANCE COMPANY
OF NEW YORK,

DEFENDANTS.

No. 1:16-CV-07587 (AJN)

DECLARATION OF MICHAEL T. LEIGH

I, Michael T. Leigh, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of eighteen and have personal knowledge of the matters set forth below, which are true and correct to the best of my knowledge and belief.

2. I am an attorney with the law firm of Stites & Harbison PLLC, 400 West Market Street, Suite 1800, Louisville, Kentucky 40202. I am one of the attorneys representing Defendants ReliaStar Life Insurance Company of New York and Voya Financial, Inc. in this action. I am licensed to practice law by the State of New York and the Commonwealth of Kentucky, and am admitted to practice in numerous federal courts, including this one.

3. I make this Declaration in support of Defendants ReliaStar Life Insurance Company of New York and Voya Financial, Inc.'s Motion to Dismiss the First Amended Complaint.

4. Attached hereto as Exhibit 1 is a true and correct redacted¹ copy of a letter from Plaintiff Gloria D. Wiseman to "Ms. Angela LeClair-Cardinal and Voya Staff

¹ I have redacted all exhibits in accordance with Federal Rule of Civil Procedure 5.2 and to remove references to health information and addresses.

Members,” dated February 22, 2015, demanding to exchange the life insurance policy at issue in this case for another one.

5. Attached hereto as Exhibit 2 is a true and correct redacted copy of the Lincoln Security Life Insurance Company Application for Life Insurance, dated August 23, 1991, which Application resulted in the life insurance policy at issue in this case.

6. Attached hereto as Exhibit 3 is a true and correct redacted copy of a letter from Lauren Rowe at ReliaStar Life Insurance Company of New York to Plaintiff Gloria Wiseman, dated April 24, 2015, responding to Wiseman’s letter of February 22, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of January, 2017, in Louisville, Kentucky.

By: /s/ Michael T. Leigh
Michael T. Leigh

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2017 I served the foregoing document on all counsel of record through CM/ECF, and on the following by email:

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/s/ Michael T. Leigh
*Counsel for Voya Financial, Inc. and
ReliaStar Life Insurance Company of New York*